

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CAROLINE MCDONALD,

Plaintiff,

v.

THE AMACORE GROUP, INC.,
CLARK A. MARCUS, JERRY D.
KATZMAN and JAY SHAFER,

Defendants.

Civil Action No. 09-1608 (SDW)

ORDER

WIGENTON, District Judge.

This matter comes before this Court on the motion of defendant Clark A. Marcus ("Marcus") to dismiss the Complaint for lack of personal jurisdiction pursuant to FED. R. CIV. P. 12(b)(2), or, alternatively, for failure to state a claim pursuant to FED. R. CIV. P. 12(b)(6), (Docket Entry No. 5); and on the motion of defendant Jay Shafer ("Shafer") to dismiss the Complaint for lack of personal jurisdiction pursuant to FED. R. CIV. P. 12(b)(2), (Docket Entry No. 21); and on the motion of defendant The Amacore Group, Inc. ("Amacore") to dismiss the Complaint for lack of personal jurisdiction pursuant to FED. R. CIV. P. 12(b)(2), and for failure to state a claim pursuant to FED. R. CIV. P. 12(b)(6), or, alternatively, to transfer this action pursuant to 28 U.S.C. § 1404(a), (Docket Entry No. 22); and on the motion of defendant Jerry Katzman ("Katzman") to dismiss the fraudulent inducement claim for failure to state a claim pursuant to FED. R. CIV. P. 12(b)(6); and it having come to the Court's attention that District Judge Susan C. Bucklew of the United States District Court for the Middle District of Florida, Tampa Division in an unrelated civil action entitled Comprehensive

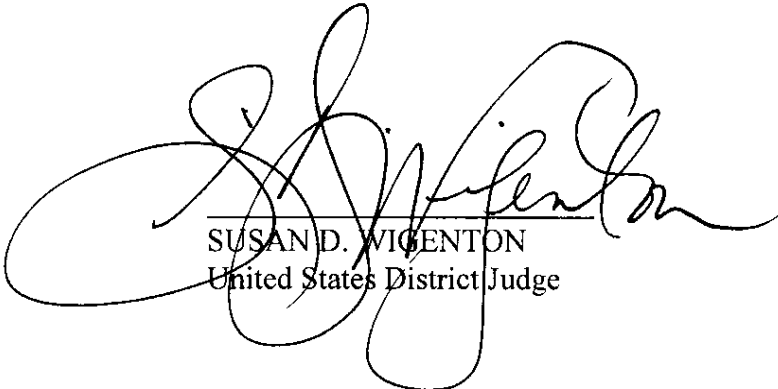
Care Corp. v. Jerry Katzman, et al., no. 8:09-cv-1375-T-24 TBM, conducted an evidentiary hearing and concluded that Katzman is a citizen and domiciliary of New Jersey (see Order Filed 11/25/09, Docket Entry No. 76); and it appearing that Plaintiff, Caroline McDonald ("Plaintiff") is a citizen and domiciliary of New Jersey; and this Court having an obligation to satisfy itself that it has subject matter jurisdiction over a case and to address the issue sua sponte, see Meritcare Inc. v. St. Paul Mercury Ins. Co., 166 F.3d 214, 217 (3d Cir. 1999), overruled on other grounds by Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545 U.S. 546 (2005); and it appearing that both Plaintiff and Defendant Katzman are New Jersey citizens, and thus, complete diversity of citizenship is lacking between the parties; and good cause appearing;

IT IS on this 14~~th~~ day of December 2009,

ORDERED that this Court will remand sua sponte the entire civil action to the Superior Court of New Jersey, Union County for lack of subject matter jurisdiction, pursuant to 28 U.S.C. § 1447(c)); and it is further

ORDERED that Defendants' motions to dismiss, (Docket Entry Nos. 5, 21, & 22), are hereby DISMISSED AS MOOT; and it is further

ORDERED that a copy of this Order be served on the parties within seven (7) days of the entry of this Order.



SUSAN D. WIGENTON
United States District Judge